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|----------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.      | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/549,570           | 05/24/2006  | Laure Carbone        | 0563-1055           | 9532             |
| 466                  | 7590        | 07/06/2009           | EXAMINER            |                  |
| YOUNG & THOMPSON     |             |                      | COLEMAN, KEITH A    |                  |
| 209 Madison Street   |             |                      | ART UNIT            | PAPER NUMBER     |
| Suite 500            |             |                      |                     | 3747             |
| ALEXANDRIA, VA 22314 |             |                      | MAIL DATE           | DELIVERY MODE    |
|                      |             |                      | 07/06/2009          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* LAURE CARBONNE, ALAIN GONZALEZ, ROGER  
ROUPHAEL, and ROBERTUS WINGERHOEDS

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Application No. 10/549,570  
Technology Center 3700

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Mailed: July 6, 2009

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Before Eric Hawthorne, *Supervisory Paralegal Specialist, Review Team.*  
Hawthorne, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on June 1, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed on February 26, 2009, in response to the Examiner's Answer mailed December 26, 2008.

Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

The Communication mailed June 1, 2009, was an improper acknowledgment of the Reply Brief, as it constitutes a Supplemental Examiner's Answer as per MPEP§ 1208, part II. A Supplemental Examiner's Answer requires a Director or designee's approval.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) vacate the Communication mailed June 1, 2009;

2) generate and mail either:

a) a revised Communication properly acknowledging to the Reply

Brief dated February 26, 2009, in accordance with MPEP§ 1208, part

II.; OR

- b) issue a Supplemental Examiner's Answer with the required signature (Technology Center Director or designee), if appropriate;
- and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

EH/alw

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